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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,925

04/19/2005

Dieter Dinkel

PC10250US

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RATNERPRESTIA  
P O BOX 980  
VALLEY FORGE, PA 19482-0980

EXAMINER

ITALIANO, ROCCO

ART UNIT

PAPER NUMBER

3746

MAIL DATE

DELIVERY MODE

04/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,925	<b>Applicant(s)</b> DINKEL ET AL.	
	<b>Examiner</b> ROCCO ITALIANO	<b>Art Unit</b> 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/19/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitations "the supply" in lines 1 and 5, "the direction" in line 5, "the ventilation" in line 6, "the first partial piston" in line 9, "the first hydraulically active diameter" in lines 9-10, "the second partial piston" in line 10 and "the second hydraulically active diameter" in lines 10-11.

Claim 12 recites the limitations "the first partial piston" in line 2 and "the second partial piston" in lines 2-3.

Claim 13 recites the limitation "the second partial piston" in line 2.

Claim 14 recites the limitations "the supply" in lines 1 and 5, "the direction" in line 5, "the ventilation" in line 6, "the first partial piston" in line 7 and "the second partial piston" in line 7.

Claim 15 recites the limitation "the first and the second partial piston" in lines 2-3.

Claim 16 recites the limitation "the second supply piston" in line 2.

Claim 17 recites the limitation "the second partial piston" in line 2.

Claim 18 recites the limitation "the second partial piston" in line 4.

Claim 19 recites the limitations "the supply" in lines 1 and 5, "the direction" in line 5, "the ventilation" in line 6, "the second partial piston" in line 10, "the sealing element" in line 11 and "the bore" in line 11.

Claim 20 recites the limitations "the supply" in lines 1 and 5, "the direction" in line 5, "the ventilation" in line 6 and "the second partial piston" in line 7.

There is insufficient antecedent basis for these limitations within claims 11-20.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

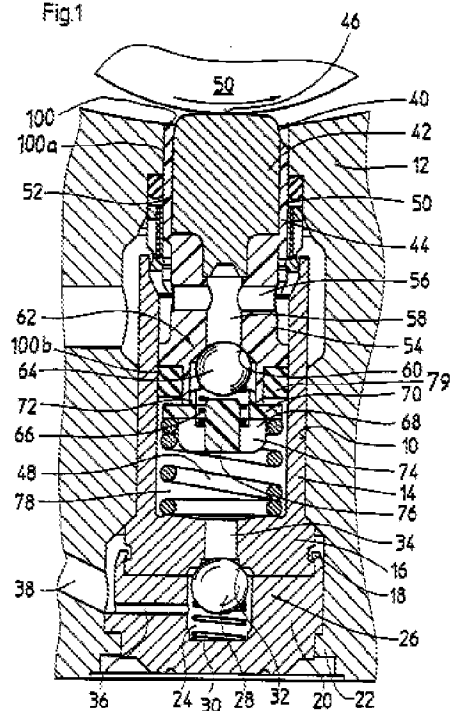
Claims 11-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Siegel et al. U.S. 6,276,909 B1.

In regards to claim 11 Siegel et al. discloses: a piston pump, or supply device for a hydraulic brake system with a pressure fluid inlet and a pressure fluid outlet (see features labeled in Fig. 2 by the examiner for clarity); a piston (40) movably arranged in an accommodating member (12) and at least two hydraulically active diameters for supply in the direction of the pressure fluid outlet (see Fig. 2 labeled by the examiner for clarity); a non-return valve (26, 62) used for ventilating a working chamber (78) into which the piston (40) is immersed (see Fig. 1-2 and column 4, lines 55-60); a multi-part design piston (40) comprising at least two synchronously moveable partial pistons (42 and 44) wherein the first partial piston (42) exhibits a first hydraulically active diameter and a second partial piston (44) exhibiting a second hydraulically active diameter (see Fig. 2 labeled by the examiner for clarity).

In regards to the claim limitation set forth by the applicant wherein the piston “has a multi-part design” the applicant gives no clear indication that the piston is formed from an arrangement of separable parts or individual elements. Therefore in examining by means of the broadest reasonable interpretation, the examiner notes that the prior art according to Siegel et al. does disclose an equivalent piston (40) comprising of multiple parts (42, 44) or “a multi-part design” as indicated by the applicant.

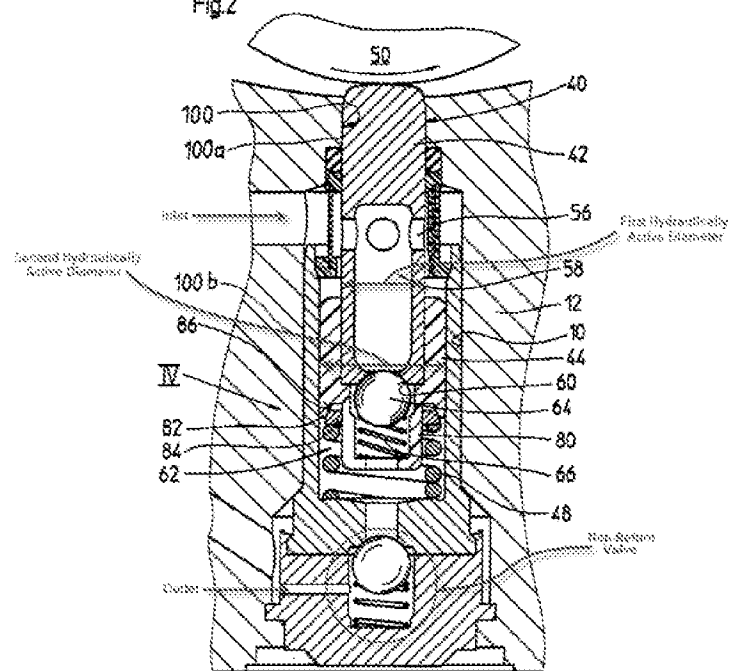
U.S. Patent Aug. 21, 2001 Sheet 1 of 3 US 6,276,989 B1

Fig.1



U.S. Patent Aug. 21, 2001 Sheet 2 of 3 US 6,276,989 B1

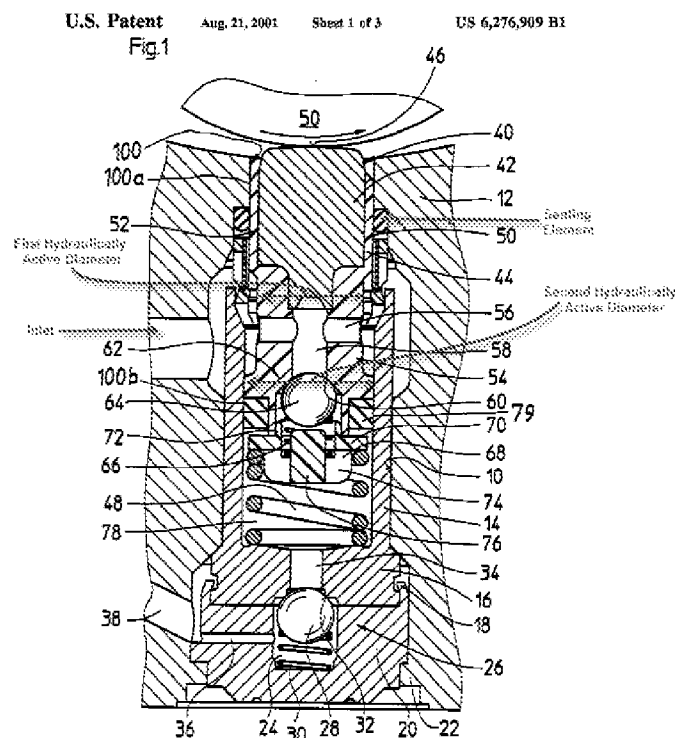
Fig.2



With respect to claim 12 and 13, it can be seen in Fig. 2 according to Siegel et al. that the first partial piston (42) is configured in an analogous manner to that of the applicant allowing for the first partial piston (42) to be provided as a rolling bearing needle. Furthermore, it is disclosed by Siegel et al. that the second partial piston (44) is made of plastic (see column 1, line 19-35 and column 4, lines 24-28). In regards to the claims reciting that the second partial piston is formed from plastic through the process of molding, it is considered by the examiner as a product by process and therefore does not distinguish itself as patentably distinct over the prior art.

In regards to claim 14 Siegel et al. discloses: a piston pump, or supply device as indicated by the applicant, for a hydraulic brake system with a pressure fluid inlet and a pressure fluid outlet (36) (see Fig. 1 labeled by the examiner for clarity); a piston (40) movably arranged in an accommodating member (12) and at least two hydraulically

active diameters for supply in the direction of the pressure fluid outlet (36) (see Fig. 1 labeled by the examiner for clarity); a non-return valve (62) used for ventilating a working chamber (78) into which the piston is immersed wherein a first partial piston (42) and a second partial piston (54) are arranged and guided so as to be movable guided in the accommodating member (12) (see Fig. 1 and column 3, line 26-35).



With respect to claim 15 Siegel et al. discloses a sealing element (79) associated with the first partial piston (42) and a sealing element (feature labeled by the examiner in Fig. 1) associated with the second partial piston (54). It can be visually seen in Fig. 1 that both sealing elements are utilized for sealing the working chamber (78) (see Fig. 1 provided above).

In regards to claim 16 Siegel et al. discloses a second partial piston (54) includes a sealing seat (60) for a valve member (64) of the non-return valve (62) (see Fig. 1).

With respect to claim 17 it can be seen in Fig. 1 according to Siegel et al. that the non-return valve (62) is arranged in a similar manner as described by the applicant whereby the non-return valve (62) is integrated into the second partial piston (54).

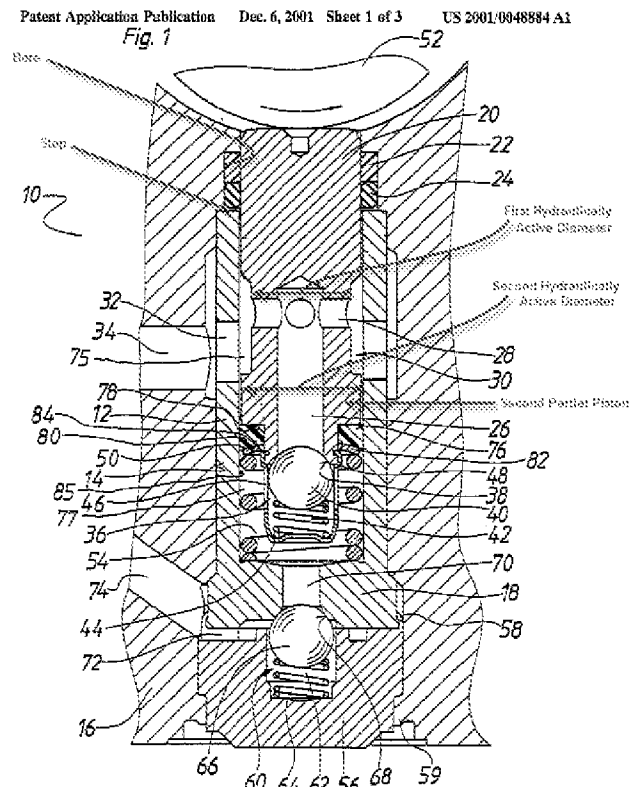
In regards to claim 18 the arrangement of the non-return valves according to Siegel et al. are analogous to the non-return valves provided by the applicant. Siegel et al. Discloses non-return valve (62) configured as a suction valve and an additional non-return valve (26) designed as a pressure valve having a sealing seat (32) provided at a base member (16) that includes a casing (14) in which the second partial piston (54) is received (see Fig. 1).

Claim 19 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Siegel et al. U.S. 2001/0048884 A1.

In regards to claim 19 Siegel et al. discloses: a piston pump, or a supply device as claimed by the applicant, for a hydraulic brake system with a pressure fluid inlet (34) and a fluid pressure outlet (74); a piston (20) moveably arranged in an accommodating member (16) and at least two hydraulically active diameters for supply in the direction of the pressure fluid outlet (74) (see Fig. 1 labeled by the examiner for clarity provided below); a non-return valve (36) configured as a suction valve and an addition non-return valve (60) designed as a pressure valve having a sealing seat (68) provided at a base member (18) that includes a casing (12) in which the second partial piston is received (see feature labeled by the examiner in Fig. 1), wherein the casing (12) has a stop at its



end for securing a sealing element (24) in position in a bore of the accommodating member (16) (see Fig. 1 labeled by the examiner for clarity).

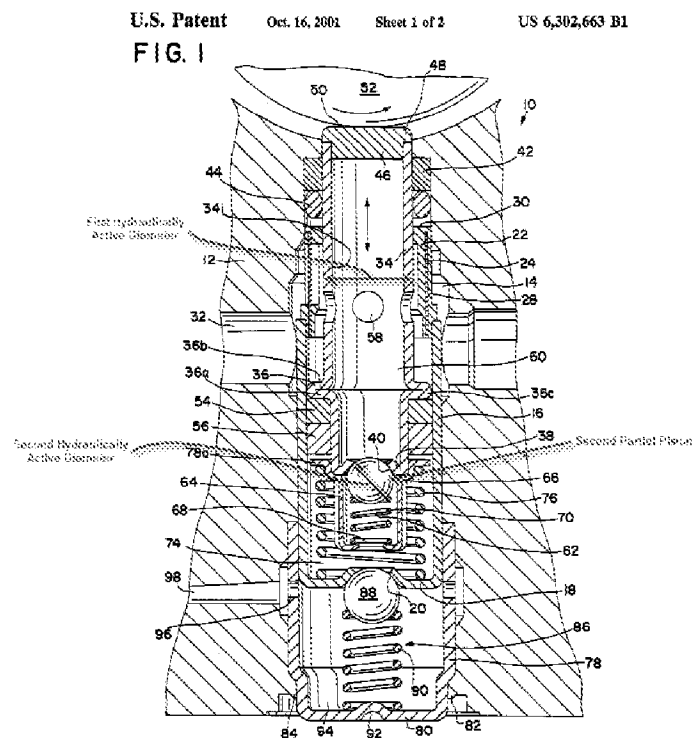


Claims 20 -21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schuller et al. U.S. 6,302,663 B1.

In regards to claim 20 Schuller et al. discloses: a piston pump for a hydraulic vehicle brake system (10), or supply device for the supply of pressure fluid into at least one vehicle brake as claimed by the applicant, with a pressure fluid inlet (32) and a pressure fluid outlet (98); a piston (34) is movably arranged in an accommodating member (12) and has at least two hydraulically active diameters for supply in the direction of the pressure fluid outlet (98) (see Fig. 1 labeled by the examiner for clarity);

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at least one non-return valve (86) for ventilating the working chamber (74) into which the piston is immersed; a second partial piston designed as a ball wherein the ball is arranged and guided in a casing (16) of a base member (18) for a non-return valve (86) (see Fig. 1 labeled by the examiner for clarity provided below).



In regards to claim 20, the non-return valve (86) is designed as an integral sleeve-type non return valve.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROCCO ITALIANO whose telephone number is (571)270-3761. The examiner can normally be reached on Mon - Fri (Alt Fri Off) 9-5 EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon C. Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/  
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Patent Examiner  
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R.I.

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